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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,538	04/22/1999	FRANCIS JAMES CANOVA, JR.	15886-210	2146

29989 7590 03/31/2003

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EXAMINER

NELSON, ALECIA DIANE

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 03/31/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/298,538

Applicant(s)

CANOVA, ET AL.

Examiner

Alecia D. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 16, 26, 29, 30 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 16, 26, 29, 30 and 32-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

1. **Claim 30** is objected to because of the following informalities: the claim is dependent on cancelled **claim 28**. For purpose of examination the claim will be dependent from **claim 1**. **Claim 26**, is listed in claims, but not indicated as pending. The claim will be examined as pending, but the examiner requests that the applicant specify if the claim is pending or cancelled. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. **Claims 1, 16, 29, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels (U.S. Patent No. 5,270,821) in view of Ike (U.S. Patent No. 5,53,765) and Stephan et al. (U.S. Patent No. 5,748,185).

With reference to the claims, Samuels teaches a method and apparatus for adjusting levels of viewing parameters for an image screen (see abstract) comprising; receiving an activation signal for viewing a parameter control from a first input mechanism (see column 11, lines 21-57), In response to receiving the activation signal, displaying one or more graphical user interface elements (see column 4, lines 12-25), the user-interface elements forming at least a portion of the parameter control on the image screen (see column 6, lines 27-31), the processor receiving an adjustment signal indicating adjustment from prior values of the viewing parameter to new values of the viewing parameter (see column 4, lines 22-25), and responsive to receiving the adjustment signal, the processor adjusting the values of the viewing parameter for the image screen to the new value (see column 4, lines 26-36).

Samuels fails to specifically teach the usage of a portable computer in which the detected interaction between the user and one of the user interface elements includes detecting contact on the image screen at a location corresponding to where one of the user interface elements is being displayed, wherein the location of the contact determining the new value of the viewing parameter, and that the adjustment of the viewing parameter is carried out by adjusting the image screen drive voltages being applied to the pixels to the new values and thereby adjusting the image. However, it is well known in the art to adjust the drive voltages to thereby increase, or decrease, the

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contrast or brightness of the pixels. Samuels also fails to specifically teach that the user interface elements includes detecting continuous contact on the image screen from a first location corresponding to the prior value to a second location corresponding to the new value. However, in convention scroll devices, the movable slider is permitted to be moved by the user "clicking" on the slider, holding the mouse button, and moving the mouse in the appropriate direction thereby providing continuous control of the slider.

Ike teaches a liquid crystal display apparatus which detects and regulates its display contrast (see abstract). The contrast detecting unit (4) detects a difference between the inputted voltage or current signals from the pair of photosensors (3a, 3b), and it produces a converted electric signal according to the detected difference to a voltage control unit (5). The voltage control unit (5) operates according to the inputted electrical signal so as to control an output voltage of a stabilized power supply unit (6). The stabilized power supply unit (6) is constructed to supply a drive voltage to be applied to the liquid crystal display panel (2) (see column 2, lines 14-24). The control unit (5) operates to control the drive voltages applied to the liquid crystal display panel (column 2, lines 30-33).

Stephen et al. teaches a touchpad (50) having multiple regions that may be linked to various commands or functions within a graphical user interface (see abstract). There is taught the usage of a scroll control region (56), wherein application of force within the scroll control region (56) generates scroll control packets that are representative of the relative movement of the user contact point within the scroll control region (see column 5, line 63-column 6, line 14). Further it is taught with reference to

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an alternate embodiment that a portable computer (280) is provided with a touch screen (282), which contains a separate cursor control region (284), a pan control region (286) and a scroll control region (288) (see column 12, lines 35-40).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow a video display adjustment and on-screen menu system, as taught by Samuels to control the drive voltages as taught by Ike, to adjust the brightness or contrast of the display by means of an on-screen slider arrangement, as taught by Stephen et al. to thereby provide a video display parameter adjustment system which allows the user easier adjustment of the slider since the user does not have to manipulate the cursor and position the cursor over the scroll bars in order to change the display parameters.

5. **Claims 6 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels in view of Ike and Stephens et al. as applied to claims 1 and 16 above, and further in view of Carroll et al. (U.S. Patent No. 6,121,960).

With reference to **claims 6 and 26**, Samuels, Ike, and Stephens et al. teach all that is required by **claims 1 and 16** above, however none of the references teach the portable device being in a lower power state until any one of a plurality of input mechanisms is actuated and there after switching the computer to a higher power state. Carroll et al. further teaches a screen peripheral system including a computing device for producing a main image and a touch-activated input device for generating and displaying a composite image visible to a user, in which variable-pixel controls, can be

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provided to change the thickness, brightness of the keyboard representation (see column 4, lines 10-17), the keyboard representing one group of pixels. It is also taught that contrast adjustment buttons are preferably represented on the touch screen itself to adjust the contrast between the keyboard and the main screen (see column 4, lines 25-30).

Carroll et al. fails to specifically teach that the one group of pixels covers less than approximately twenty-percent of the image screen or more than eighty-percent. However, it is taught by Carroll et al. that twenty-five percent of the pixels are used to represent the keyboard and seventy-five percent of the pixels are used to represent the main image (see column 5, lines 39-44), and it is further stated that the keyboard, or the one group of pixels, can be moved and the percentage areas changed (see column 11, lines 56-57).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a low powered state to thereby reduced in the amount of necessary power when the portion of the pixels are inactive.

6. **Claims 32-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Samuels in view of Ike, Stephens et al. and Carroll et al..

With reference to **claims 32, 34, and 35**, Samuels, Ike and Stephens et al. teach all of the limitations, which are similar to those recited in **claims 1 and 16**. However, the references fail to specifically teach a portable device being in a lower power state

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until any one of a plurality of input mechanisms is actuated, and there after, switching the computer to a higher power state.

Carroll et al. teaches the usage of a keyboard on-off button, which is represented on the touch screen itself, but also possibly on the housing of the touch screen (see column 4, lines 25-31). Further, Carroll et al. teaches that in a alternate embodiment, voice commands can also be used to activate the touch screen itself so that the portable device does not turn on by one of the buttons being pressed accidentally (see column 11, lines 43-45). Thereby it is suggested that pressing any one of a plurality of input mechanisms on the touch display of the portable device will change the power state from a lower power state (off) to a higher power state (on).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a low powered state to thereby reduced in the amount of necessary power when the portion of the pixels are inactive.

With reference to **claim 33**, Stephens et al. teaches that the scroll control packets may be used to govern scrolling, or up and down movement (see column 6, lines 5-9).



***Response to Arguments***

7. Applicant's arguments with respect to ***claims 1, 6, 16, 26, 29, 30, and 32-35*** have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is (703)305-0143. The examiner can normally be reached on Monday-Friday 9:30-7:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras can be reached on (703)305-9720. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9700.

adn/ADN  
March 17, 2003



STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600